

REMARKS

Claims 1-18 and 47-55 have been withdrawn without prejudice to filing in a divisional application. Elected Claims 19-46 are resubmitted without amendment for reconsideration in the light of the following remarks and authorities.

The office action states:

As for claim 19, Jaeger teaches of a system for accepting user input, comprising:

a first control configured to select a media source in response to an actuation of the first control by a user;

a second control, wherein the second control has two degrees of freedom in actuation configured to choose a mode from a set of modes for the selected media source in response to an actuation of the first degree of freedom of the second control by the user, wherein actuation of the second degree of freedom by the user of the second control is configured to identify a media content item selection; and

a display for displaying one of the media source, mode and media content item in column 11, lines 15-30 and in column 13, lines 30-40.

As for claim 20, Jaeger teaches of a pressure member coupled to a plurality of switches, the pressure member having multiple sections, wherein each section of the multiple sections is associated with a switch of the plurality of switches and wherein the pressure member is positioned in relation to the plurality of switches such that when a force is applied by a user to one of the multiple sections, the pressure member transmits a resulting force to a switch associated with the one of the multiple sections thereby causing actuation of the switch associated with the one of the multiple sections in Fig. 32-33 and in column 18, lines 55-65.

As for claim 21, Jaeger teaches of a control comprises a shaft, wherein the shaft is mounted within a void of the pressure member and secured by a fastener in column 13, lines 40-50.

As for claim 22, it is inherent to have the system delays, for a predetermined time, before executing one of a user media source selection, mode selection and media content item selection.

As for claim 23, Jaeger teaches that upon the occurrence of one of a user media source selection, mode selection, and media content item selection,

the system provides a sub-menu of options to the user in column 15, lines 45-5.

As for claims 24 and 28, Jaeger teaches that a display is configured to provide a visual confirmation of the media source selected {claim 24} and user input {claim 28} in column 15, lines 45-50.

As for claim 27, Jaeger teaches that the display is a touch screen and wherein the touch screen is configured to process a user input in column 18, lines 40-45.

As for claim 30, Jaeger teaches that the visual confirmation is graphic in in column 18, lines 40-45.

As for claim 36, Jaeger teaches that the system is configured to provide an audible confirmation of the media source selected in column 17, lines 5-10.

As for claim 38, Jaeger teaches that a second control is positioned in front of the display and wherein the second control accepts actuation of the second degree of freedom by the user, as a user input in column 11, lines 15-30 and in column 13, lines 30-40.

As for claim 44, Jaeger teaches that the first control has two degrees of freedom in actuation, and wherein actuation of the first degree of freedom is associated with selection of a media source, and the second degree of freedom is associated with control of system volume in column 11, lines 15-30, in column 13, lines 30-40 and in column 17, lines 5-10. (pp. 2-4)

This ground of rejection is respectfully traversed.

“It is well settled that anticipation under 35 U.S.C. 102 requires the presence in a single reference of all of the elements of a claimed invention.” *Ex parte Chopra*, 229 U.S.P.Q. 230, 231 (BPA&I 1985) and cases cited.

With respect to the rejection of independent Claims 19 and 44, the Examiner cites column 11, lines 15-30 and column 13, lines 30-40 and also adds the text in column 17, lines 5-10. These texts read as follows:

the underside of the supplementary cover plate **68** in manner which protects them from abrasion and short circuiting. A first switch **17c** is of the electromechanical type and has an annular base **71** affixed to the supplementary cover plate **68** by adhesive or other means and has a switch cap

72 that is fitted onto base 71 and which can be depressed by an operator's finger to operate the switch. An annular lip 73 at the back of the switch cap 72 extends under a small flange 74 of base 71 to retain the switch cap on the base. The base 71 and switch cap 72 are formed of resilient material to enable snap engagement of the cap onto the base. Within base 71, one end of a compression spring 76 is seated in an annular retainer 77 that is adhered to the supplementary cover plate 68. The other end of the spring 76 bears against the switch cap 72 and exert a force against the cap that is directed outward from the display cover plate 68. (Col. 11, lines 15-30)

Changeable graphics in the immediate vicinity of an electrical circuit control device is equally advantageous when the controlled device is a potentiometer, variable resistor, rotary encoder or the like at which the operator turns a knob to vary the control signal. For example, the previously described remote control 11 is shown in **FIG. 1** includes a rotary encoder 23. Referring now to **FIGS. 22, 23 and 24**, control signals similar to those which are produced by rotary controls can be generated by a control device 132 having knob 130 that does not turn to any perceptible extent. (Col. 13, lines 30-40)

Referring again to **FIGS. 27 and 28**, the operator varies the volume of any of six different sounds that are being processed within the sound processor 164 by applying pressure to the particular knob 162 which controls the particular sounds. Pressure in the direction of the top of the image display area 174 increases the electrical resistance of the load cells 171 and pressure in the opposite direction... (Col. 17, lines 5-10)

But the reference does not disclose the second control having two degrees of freedom in actuation configured to choose a mode from a set of modes for the selected media source in response to an actuation of the first degree of freedom of the second control by the user wherein actuation of the second degree of freedom by the user of the second control is configured to identify a media content item selection called for by Claim 19 and the claims dependent thereon or the control having two degrees of freedom in actuation called for by Claim 45 or the two controls, wherein each of the two controls is located to one side of the display and have two degrees of freedom in actuation.

The reference discloses a rotary encoder 23, but that only has a single degree of freedom as distinguished from the embodiment described in the paragraph beginning at line 25 on page 3 of the specification in which one degree of freedom of the knob is associated with pressing of the knob while the second degree of freedom is associated with rotation of the knob.

The reference describes another control device 132 having only rotational freedom in column 13, line 41 – column 14, line 67.

Accordingly, withdrawal of the rejection of Claims 19-24, 27, 28, 30, 36, 38 and 44 as anticipated by the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim at least the language in the reference corresponding to the control having the first and second degrees of freedom called for by these rejected claims.

The office action states:

Claims 25-26, 29, 31-35, 37, 39-43, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger et al. (US Patent No: 5,982,355).

As for claims 25, 31, 35, Jaeger fails to teach that the display is configured to provide a visual confirmation in forms of color cue {claim 25}; color change {claims 1, 35} and text {claims 39, 33} of the media source selected.

In column 15, lines 45-50, Jaeger teaches that the display is responsive to signals from the microprocessor (media source selected) and in turns is able to display changeable graphics which may take on different forms depending on the nature of the operation. Examiner would like to point out that although Jaeger does not directly teach that the display is configured to provide a visual confirmation in forms of color cue {claim 25}; color change {claims 31, 35} and text {claims 39, 33} of the media source selected; Jaeger certainly eludes to the possibility of incorporating color and text change in response to a user input.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to provide a visual confirmation {claims 24, 28} or color cue {claim 25} or color change {claims 31, 35} of the media source selected in order to indicate to the user which input has been made.

As for claim 26, Jaeger teaches that the display provides a position indicator depicting to the user, the relative position of a selected media content item within a browsable list of media content items, wherein the position indicator is displayed in a radial format in column 17, lines 15-20.

As for claim 32, Jaeger fails to teach that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 34, Jaeger teaches that the visual confirmation is graphic in in column 18, lines 40-45.

As for claim 37, Jaeger fails to teach that the audible confirmation of the media source selected is a synthetic voice.

Jaeger teaches of using and storing synthetic voice for playback in column 9, lines 40- 50.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the use of storing synthetic voice for playback as taught by Jaeger to provide audible confirmation of the media source selected with a synthetic voice in order to audibly confirm the user input.

As for claim 39, Jaeger teaches of a system for accepting user input, comprising:

- at least one switch;
- a display, wherein the display depicts menu options including:  
media content information;
- control options, wherein the control options are displayed on the display near the switch
- a pressure member disposed over the display
- the pressure member being configured to accept a force exerted by a user within a section of the pressure member; the pressure member further coupled to the at least one switch such that a resulting force transmitted by the pressure member in response to a user applied force causes a switch actuation; and
- at least one control, configured to accept one of a push and turn in order to select one of the menu options in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the display is visible through the pressure member.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 40, Jaeger teaches or eludes that at least a portion of the at least one control is optically transparent, wherein the at least one control is positioned over the display and wherein information displayed by the display is visible through the at least one control in column 20, lines 63-65.

As for claims 41-42, Jaeger fails to teach that the display displays a color to provide user feedback {claim 41} or that at least one control displays a color to provide user feedback {claim 42}. Examiner takes official notice that it is well known in the art to display displays a color to provide user feedback {claim 41} or that at least one control displays a color to provide user feedback {claim 42} when the apparatus acknowledges a certain input.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to display displays a color to provide user feedback {claim 41} or that at least one control displays a color to provide user feedback {claim 42} in order to indicate to the user which input that been made.

As for claim 43, Jaeger teaches that at least one control displays an symbolic representation of a selected one of the media content source, mode and media content item in Fig. 32-33.

As for claim 45, Jaeger teaches of a system for accepting user input in a media player, comprising:

a display for displaying one of the media source, mode and media content item; at least one control, wherein the

at least one control has two degrees of freedom in actuation, wherein the at least one control is disposed over the display in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the control is optically transparent such that at least a portion of the display is visible through the at least one control.

Jaeger teaches of the possibility that at least a portion of the control is optically transparent, such that at least a portion of the display is visible through the at least one control in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the control is optically transparent, such that at least a portion of the display is visible through the at least one control as eluded to by Jaeger order to have the display be viewable to the user despite the buttons.

As for claim 46, Jaeger teaches of a media player for use in a motor vehicle, comprising:

a plurality of switches;

a display for displaying one of the media source, mode and media content item;

a pressure member coupled to at least one of the plurality of switches, the pressure member disposed over the display, the pressure member being configured to accept a force exerted by a user within a section of the pressure member; and

two controls, wherein each of the two controls is located to one side of the display and wherein the controls have two degrees of freedom in actuation in column 11, lines 15-30 and in column 13, lines 30-40.

Jaeger fails to teach that at least a portion of the display is visible through the pressure member.

Jaeger teaches of the possibility that at least a portion of the display is visible through the pressure member in column 20, lines 63-65.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to have at least a portion of the display is visible through the pressure member as eluded to by Jaeger order to have the display be viewable to the user despite the buttons. (pp. 5-10)

This ground of rejection is respectfully traversed.

"The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

And in *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000), the Court said:

[I]dentification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See id.* [*Dembiczak*]. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. *See In re Dance*, 160 F.3d 1339, 1343, 48 U.S.P.Q.2d 1635, 1637 (Fed. Cir. 1998), *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *See B. F. Goodrich Co. v. Aircraft Braking Sys. Corp.*, 72 F.3d 1577, 1582, 37 U.S.P.Q.2d 1314, 1318 (Fed. Cir. 1996).

Claims 25, 26, 29, 31-35 and 37 are dependent upon and include all the limitations of Claim 19 and call for the second control with the two degrees of freedom. Claims 39-43 call for the at least one control configured to accept one of a push and turn in order to select one of the menu options. Claim 45 calls for the at least one control having two degrees of freedom in actuation, and Claim 46 calls for the two controls having two degrees of freedom in actuation. Nothing in the reference suggests the desirability of modifying what is there disclosed to include the control with at least two degrees of freedom in the context of the rejected claims.

Accordingly, withdrawal of the rejection of Claims 25, 26, 29, 31-35, 37, 39-43, 45 and 46 as unpatentable over the reference is respectfully requested. If this ground of rejection is repeated, the Examiner is respectfully requested to quote verbatim at least the language in the reference regarded as corresponding to the controls with two degrees of freedom in the context of the rejected claims and quote verbatim the language in the reference regarded as suggesting the desirability of modifying what is there disclosed to meet the limitations of these rejected claims.

In view of the foregoing withdrawals, authorities and remarks and the inability of the prior art to anticipate, suggest or make obvious the subject matter as a whole of the invention

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disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. If the Examiner believes the application is not in a condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at 617-521-7014 to discuss what additional steps the Examiner believes are necessary to place the application in a condition for allowance.

Respectfully submitted,  
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